

Governance Committee
20 January 2020
Part I
Constitutional changes arising from withdrawal from the EU - authority to effect changes
Report by Director of Law and Assurance

1. Background and Context

- 1.1 The County Council's constitution contains a number of provisions which arise from legislation from the EU or which refer to Directives or Regulations linked to EU legislation. It will be necessary for these constitutional references to be amended to take account of the departure of the United Kingdom from the EU on 31 January and to make any further changes needed to accommodate the transition arrangements as provided in UK primary legislation.
- 1.2 On the 31 January 2020 the European Union (Withdrawal) Act (EUWA) 2018 will mean that EU law will cease to have direct legal effect within the UK. All of the directly applicable EU legislation will become UK domestic law. This will mean that the provisions will continue to have the same effect but that the source of authority will no longer be the EU.
- 1.3 Transitional provisions are set out in the EUWA which means that anything done or in force before exit day and which relates to any element of retained EU law is preserved.
- 1.4 It is necessary for all references to EU legislation, obligations and directives within the Council's Constitution and in any policies and internal guidance to be amended to take account of these changes. As a precaution authority is also sought to amend any legal instrument or agreement to which the County Council is a party which may be required to ensure continued effect and to preserve the rights and interests of the Council.

Recommendation

It is recommended that authority be delegated to the Director of Law and Assurance to make any changes to the Council's Constitution, policies and guidance documents to reflect changes in legislation arising from the UK's withdrawal from the EU and to agree and settle changes to any other affected legal instrument or agreement to which the County Council is or will become a party and that it is recommended that the County Council be asked to confirm this delegation of authority.

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Background Papers - None